

Gang Land News

Real Stuff about Organized Crime

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Jerry Capeci

July 24, 2020

Honorable Nelson S. Roman
U. S. District Court Judge
300 Quarropas Street
White Plains, NY 10601-4150

Re: Motion to unseal, document 33; US v. Pasqua, 16CR591(NES)

Dear Judge Roman:

I respectfully petition a status report from the Court regarding my July 14, 2020 *pro se* letter motion – based on the common law and First Amendment rights of the public and the press to have access to criminal court cases – to unseal sentencing documents of defendant Frank Pasqua that was docketed on July 17, 2020.

In the 10 days since I submitted the letter to Your Honor, and copied the prosecutors and the attorney for the defendant, there has been no reaction by either party recorded on the docket sheet indicating whether they agree that the sought after court documents should be made available to the public or whether they intend to oppose the motion.

I note that in a similar motion to unseal regarding the sentencing documents of a defendant in a related case that was also docketed on July 17, 2020, the assistant U.S. attorney, who is on the same team of five prosecutors as the AUSA in this case, has already responded and stated that she will be submitting redacted copies of the sealed documents to the judge in that case today. (See attached docket sheet entries, **U.S. v Evangelista, 17CR191, RA, documents 36, 37, 38.**)

For the 1984 ruling in *Press-Enterprise Co. v. Superior Court of California*, 464 U.S. 501, 510-11 and similar appeals court decisions that are based on the common law and First Amendment to

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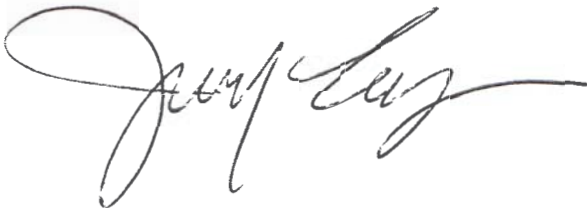
have real meaning, the timing of the public access to the sentencing documents in criminal cases should be contemporaneous, not delayed.

That is no longer possible in the Pasqua case, since, upon information and belief, the defendant was sentenced to "time served" and released from prison four months ago, in March.

But there is no reason to keep them sealed any longer. As the AUSA wrote regarding the sealed sentencing documents in the case of defendant David Evangelista, who was a full-fledged cooperating witness and testified at the trial of four defendants in *U.S. v Londonio et al, 17CR89 CS*, and who also received a "time served" term: "The parties believe that the sealed documents can be unsealed subject to certain redactions that are necessary and appropriate."

Thank you.

Sincerely,

A handwritten signature in dark ink, appearing to read "Jerry Capeci", with a long, sweeping horizontal line extending to the right.

Jerry Capeci

cc AUSAs Scott Hartman, Alexandra Rothman, Hagan Scotten, Celia Cohen, Jacqueline Kelly, and defense attorney Avraham Moskowitz

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U.S. District Court
Southern District of New York (Foley Square)
CRIMINAL DOCKET FOR CASE #: 1:17-cr-00191-RA-1

Case title: USA v. Evangelista

Date Filed: 03/23/2017

Magistrate judge case number: 1:16-mj-07508-UA

Date Terminated: 07/10/2020

Date Filed	#	Docket Text
07/21/2020	38	MEMO ENDORSEMENT as to David John Evangelista on 37 LETTER by USA as to David John Evangelista addressed to Judge Ronnie Abrams from Alexandra Rothman dated July 20, 2020 re: motion to unseal. ENDORSEMENT: Application granted. In their submission, the parties shall justify their proposed redactions, consistent with the guidance provided in United States v. Amodeo, 71 F.3d 1044 (2d Cir. 1995), and United States v. Armstrong, 185 F. Supp. 3d 332, 336 (E.D.N.Y. 2016). SO ORDERED. (Signed by Judge Ronnie Abrams on 7/21/2020) (lnl) (Entered: 07/21/2020)
07/20/2020	37	LETTER by USA as to David John Evangelista addressed to Judge Ronnie Abrams from Alexandra Rothman dated July 20, 2020 re: motion to unseal Document filed by USA. (Rothman, Alexandra) (Entered: 07/20/2020)
07/17/2020	36	LETTER MOTION to unseal the sentencing transcripts, sentencing memos, and 5K1 letter as to David John Evangelista. Document filed by Jerry Capeci/Gang Land News. (lnl) (Entered: 07/17/2020)

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